

Notice of Allowability

Application No.

10/688,690

Examiner

Marissa J. Detschel

Applicant(s)

ATIA ET AL.

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed March 3, 2006.
2. ☒ The allowed claim(s) is/are 1-19, 21-24, and 32-35.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Gregory J. Fealey, Jr.
Supervisory Patent Examiner

DETAILED ACTION

Response to Amendment

The amendment filed in March 3, 2006, has been fully considered by the examiner. The amendments to the specification and the claims have been accepted by the examiner.

The drawings were received with the amendment filed on March 3, 2006. These drawings are accepted by the examiner.

Allowable Subject Matter

Claims 1-19, 21-24, and 32-35 are allowed.

The following is an examiner's statement of reasons for allowance:

As to claim 1, the prior art of record, taken alone or in combination fails to disclose or render obvious a spectroscopy system comprising a tap for diverting a portion of a signal from a tunable Fabry-Perot filter that spectrally filters a light to be sent to a sample to a detector, in combination with the rest of the limitations of claim 1.

As to claim 7, the prior art of record, taken alone or in combination, fails to disclose or render obvious a spectroscopy system comprising a source system, tunable Fabry-Perot system, and a detector system, wherein the tunable Fabry-Perot system is one of multiple, serial filters, in combination with the rest of the limitations of claim 7.

As to claim 24, the prior art of record, taken alone or in combination, fails to disclose or render obvious a spectroscopy system comprising a controller for modulating a light source system of the spectroscopy system and a lock-in amplifier responsive to the controller for locking onto a modulation of the signal from the light

source system after being sent through a tunable Fabry-Perot filter, in combination with the rest of the limitations of claim 24.

As to claim 35, the prior art of record, taken alone or in combination, fails to disclose or render obvious a spectroscopy system comprising a hermetic package containing an optical bench to which a semiconductor source system and a tunable Fabry-Perot filter system are attached utilizing a temperature controller, in combination with the rest of the limitations of claim 35.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Pertinent Prior Art

The prior art of made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of record is Lehto et al. (USPN 5,818,586).

Lehto discloses a spectrometer comprising a source, Fabry-Perot interferometer, and a detector integrated onto a silicon substrate that utilizes a phase-locked amplifier to synchronize the detection process of the device to the control of the radiation source.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa J. Detschel whose telephone number is 571-272-2716. The examiner can normally be reached on M-F 8:30am-5:00pm.

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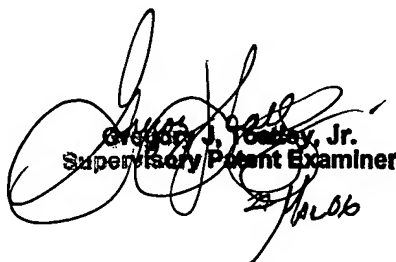
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on 571-272-2059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marissa J Detschel

March 21, 2006

mjd


Gregory J. Toatley, Jr.
Supervisory Patent Examiner